

INFORMAL CONSIDERATION

April 10, 2014

Petitioner: Molt VFD
Fire Chief: Steve Doely & Matt Keating
Contact: Steve Doely

Retirement System: VFCA

**Request for Board
Consideration:**

The Molt VFD is requesting that the Board accept the late filed Annual Certificate filed on May 23, 2013 for the fiscal year 2011-2012. The Annual Certificate was signed by the Fire Chief and notarized. Included was the training documentation by fiscal year as is required. See details below.

How many fiscal years is the department requesting to file?

One; 2012

How many specific years of service are being requested?

1 year; 2 members for FY2012

Has the actuary evaluated the impact of these years of service on the VFCA plan?

No

Has the volunteer fire department filed the necessary qualifications as required by State law?

Yes

Was the appropriate training documentation submitted?

Yes

How many times has the department filed late in the last 10 years?

One years – FY2011-2012, the year being considered

Give details of any problems:

No problems existed in receiving the requested information.

Correspondence:

FY2012

December 11, 2012: Letter sent to fire chief, Ralph Dotson, by Ali Sturm notifying him that their annual certificate for FY12 had not been received, with a 90 day response period

February 22, 2013: Reminder letter sent to Ralph Dotson by Ali Sturm, notifying him that the information still had not been received

March 11, 2013: 90 day letter sent, to notify the fire chief that their informal consideration will not have precedence over other departments.

March 20, 2013: Letter of explanation and roster received from fire chief, Duane Bjerke.

April 1, 2013: Letter sent to Duane Bjerke, including blank annual certificate, training summary template, and VFCA training report template.

May 23, 2013: Notarized annual certificate and uncertified training documentation received.

April 1, 2014: Email from Mat Keating certifying training hours received.

Molt Volunteer Fire Department

Acceptance of past Certificates that increase members' years of service

Summary:

Pursuant to § 19-17-112 (5), MCA a late filed certificate must be filed within 3 years of the due date. FY2011-2012 Annual Certificate was due on September 1, 2012. The information was received on May 23, 2013

RELEVANT LAW AND RULES:

Montana Code Annotated (Effective before July 1, 2011)

19-17-108. Credit for service as volunteer firefighter – records. (1) The annual period of service that may be credited under this chapter is the fiscal year. A fractional part of a year may not count toward the service required for participation in this system. To be eligible to receive credit for any particular year, a volunteer firefighter shall serve with a fire company throughout the entire fiscal year.

(2) The years of service are cumulative and need not be continuous. Separate periods of service properly credited with different fire companies must be credited toward a member's eligibility for full or partial benefits.

(3) A volunteer firefighter must receive credit for service during any fiscal year if:

(a) during the fiscal year, the volunteer firefighter completes a minimum of 30 hours of training in matters pertaining to firefighting under a formal program that has been formulated, supervised, and certified to the board by the chief or designated official of the fire company;

(b) the volunteer firefighter's participation in the training program is documented in the fire company's records filed and maintained by the chief or designated official; and

(c) the fire company maintained firefighting equipment that is in serviceable condition and owns, rents, or uses one or more buildings used for the storage of that equipment that all together are valued at \$12,000 or more.

(4) The chief or designated official of each fire company shall keep and maintain training records for each current and former volunteer firefighter who is or was a member of the fire company.

Montana Code Annotated (Effective July 1, 2011)

19-17-108. Credit for service as a volunteer firefighter – records. (1) The annual period of service that may be credited under this chapter is the fiscal year. A fractional part of a year may not count toward the service required for participation in this system. To be eligible to receive credit for any particular year, a volunteer firefighter shall serve throughout the entire fiscal year with a single fire company that is organized under Title 7, chapter 33, and continues to meet the requirements of 19-17-109.

(2) The years of service are cumulative and need not be continuous. Separate periods of service properly credited with different fire companies must be credited toward a member's eligibility for benefits.

(3) A volunteer firefighter may not receive credit for service during any fiscal year unless:

(a) during the fiscal year, the volunteer firefighter completes a minimum of 30 hours of training in firefighting duties as outlined in 19-17-105 under a formal program that has been formulated, supervised, and certified to the board by the chief or designated official of the fire company; and

(b) the volunteer firefighter's participation in the training program is documented in the fire company's records maintained pursuant to 19-17-111 by the chief or designated official.

Montana Code Annotated (Effective July 1, 2011)

19-17-112. Filing required reports – limitations. (1) The chief or designated official of each fire company that claims eligibility under this chapter shall, on or before September 1 of each year, file with the board an annual certificate, the current year's roster, and a membership card for each new member.

(2) (a) The annual certificate is a form reporting a fire company's membership eligibility for the previous fiscal year.

(b) The annual certificate must be completed on a form prescribed by the board and contain the date of organization of the fire company and the full name, social security number, and date of birth of each member of the fire company who was a member for the entire fiscal year and who successfully completed 30 hours of training during the preceding fiscal year, as required by 19-17-108.

(c) The chief or designated official shall subscribe and verify under oath, before a notary, that the fire company and members qualified under 19-17-108 and 19-17-109.

(d) The board shall maintain the certificate for the purpose of establishing service for members and eligibility for benefits.

(3) The roster must be signed by the fire chief or designated official, filed with the board, and contain information in writing that provides the names of the fire company, its date of organization, officers, and roll of active and inactive members for the current fiscal year. A roster may be updated to report new members but may not be retroactive.

(4) A membership card must be completed and filed with the board for each member who was a member on or before July 1, 2011, and for each new member who joins after July 1, 2011.

(5) The current fire chief shall file any late or amended annual certificates and the associated certified training records within 3 years of the original annual certificate due date. An annual certificate may be amended only once. The board shall consider and may approve late filings. Information provided to the board by the fire chief must be in accordance with the board's rules.

(6) The current fire chief may request to appear before the board for consideration of the request to file a late or amended annual certificate.

Montana Code Annotated (Effective before July 1, 2011. Repealed in 2011 Legislature and added to 19-17-112, MCA)

19-17-402. Certificate of eligibility. The chief or designated official of each fire company that claims eligibility under this chapter shall, on or before September 1 of each year, file a certificate on a form to be provided by the board, subscribed and verified under oath before a notary, stating whether the company qualified under 19-17-108(3) during the preceding fiscal year. The certificate must contain the date of organization. The certificate must list the full name, social security number, and date of birth of each member of the fire company who was a member for the entire fiscal year and satisfactorily completed 30 hours of training during the preceding fiscal year, as required by 19-17-108(3). The certificate must be maintained by the board for the purpose of establishing service for members and eligibility for benefits.

MPERA ARM

2.43.5001 BASIC UNIT OF SERVICE (1) As of July 1, 1965, the basic unit of service for volunteer firefighters is one fiscal year. Volunteer firefighters not continuously on the active membership list of a single qualifying volunteer fire company for the entire fiscal year shall not be listed on the annual certificate and shall not receive credit for service under the Volunteer Firefighters' Compensation Act (VFCA) for that fiscal year. A volunteer fire company qualifies to participate in the VFCA if the requirements of 19-17-402, MCA, are met.

(2) A volunteer firefighter shall receive one year of credit for service under the VFCA for each two full fiscal years of service performed prior to July 1, 1965. (History: 19-17-203, MCA; IMP, 19-17-201, 19-17-401, 19-17-402, MCA; NEW, 1986 MAR p. 1454, Eff. 8/29/86; AMD, 2003 MAR p. 1188, Eff. 6/13/03; AMD & TRANS, from ARM 2.43.801, 2008 MAR p. 2467, Eff. 12/01/08.)

2.43.5002 FAILURE TO FILE REQUIRED REPORTS (1) In order to receive credit for service under the VFCA, volunteer fire companies must file an "annual certificate" with MPERA. The certification is a report by the fire chief that the members listed on the certificate were active for the full fiscal year and also had the required 30 hours of training. This report is on a fiscal year basis (July through June) and is due by September 1 of each year. The annual certificate is signed by the fire chief and notarized. Annual certificate forms are provided by MPERA.

(2) Annual certificates filed after the September 1 due date must be appealed to and considered by the board for approval. Information provided to the board by the fire chief or designated official must include:

- (a) the original, notarized annual certificate;
- (b) certified training documents showing the required 30 hours of training per listed member;
- (c) a letter from the fire chief explaining why the annual certificate was not filed timely; and
- (d) if requested by the fire chief, oral argument before board. (History: 19-17-203, MCA; IMP, 19-17-201, 19-17-402, MCA; NEW, 1986 MAR p. 1454, Eff. 8/29/86; AMD, 2003 MAR p. 1188, Eff. 6/13/03; AMD & TRANS, from ARM 2.43.802, 2008 MAR p. 2467, Eff. 12/01/08.)

PUBLIC EMPLOYEES' RETIREMENT BOARD

April 10, 2014

Topic: Molt Volunteer Fire Department

Acceptance of past Certificates that increase members' years of service

Staff recommendation:

Staff recommends the 2 members for FY2012 of the Molt VFD be granted the years of credited service. The members were listed on the late filed FY2011-2012 Annual Certificates and verified to receive credit for those fiscal years.

Board Motion:

☐

Uphold Staff Recommendation

☐

Other.

Moved by

Seconded by

Vote

PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



BRIAN SCHWEITZER
GOVERNOR

STATE OF MONTANA

HELENA (406) 444-3134
TOLL FREE (877) 275-7372
FAX (406) 444-5428

mpera.mt.gov



100 N. PARK, SUITE 200
PO BOX 200131
HELENA, MT 59620-0131

December 10, 2012

Ralph Dotson, Fire Chief
Molt VFD
PO Box 68
Molt, MT 59057

Dear Fire Chief Dotson,

As of today, Montana Public Employee Retirement Administration (MPERA) has not received your fire departments' Volunteer Firefighters' Compensation Act (VFCA) Annual Certificate for this past fiscal year 2011-2012. The deadline for filing the certificate was September 1, 2012, therefore, the certificate is considered to be late filed.

The Public Employees' Retirement Board (PERB) has decided that late or amended certificates, when filed properly, accompanied by a letter of explanation from the fire chief, and certified training documentation for the 30 or more hours of training, will be considered for acceptance. Beginning July 1, 2011, only late Annual Certificates that are filed within 3 years of the original Annual Certificate due date will be considered. The due dates of annual certificates are September 1 of each year for the previous fiscal year (ie FY2007-2008 was due September 1, 2008). An annual certificate may be amended only once.

The **certified** training information must be based on fiscal years (July 1st thru June 30th) and in an easily readable format. Training documentation must include the following:

- ❖ The date the training was offered;
- ❖ Title of the training;
- ❖ Description of the training;
- ❖ Hours of training;
- ❖ Each member's hours of training for each class.

Training does **not** include business meetings, emergency calls or vehicle or hall maintenance.

The late Annual Certificate and all documents must be received within 90 days of the letter date in order for your request to be considered.

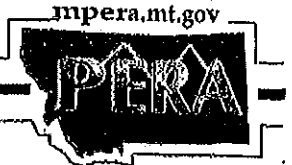
Also due September 1, 2012 was a roster of all your members for the current fiscal year 2011-2012, whether they received credit or not they need to be listed. This no longer

PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



BRIAN SCHWEITZER
GOVERNOR

STATE OF MONTANA



HELENA (406) 444-3154
TOLL FREE (877) 275-7372
FAX (406) 444-5428

100 N. PARK, SUITE 200
PO BOX 200131
HELENA, MT 59620-0131

needs to be certified with the County Clerk and a copy of the annual certificate is not longer accepted as the roster.

If you have any members who have not filled out a membership card, you may find the membership cards form out on MPERA's website at <http://mpera.mt.gov/forms/BeneficiaryVFCA.pdf>. We use the information on the card to send an annual statement to the members, which details the credited years of service the member has on account with MPERA. These annual statements are sent out by the end of October.

If you have questions, please call me at 406-444-9173 or toll free 1-877-275-7372 ext 9173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ali Sturm".

Ali Sturm
Accountant

MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



STEVE BULLOCK
GOVERNOR

ROXANNE MINNEHAN
EXECUTIVE DIRECTOR

STATE OF MONTANA

HELENA (406) 444-3154
TOLL FREE (877) 275-7372
FAX (406) 444-5428



100 N PARK, STE 200
PO BOX 200131
HELENA MT 59620-0131
mpera.mt.gov

February 22, 2013

Ralph Dotson, Fire Chief
Molt VFD
PO Box 68
Molt, MT 59057

Dear Fire Chief Dotson,

As a reminder, from the first letter sent out on December 10, 2012, informing you of your department's missing VFCA Annual Certificate for FY2011-2012, you now have 15 days until the 90 days extension period expires. Please submit your Annual Certificate ASAP in order for your department's members to be eligible to receive their credited years of service.

As of today, Montana Public Employee Retirement Administration (MPERA) has not received your fire departments' Volunteer Firefighters' Compensation Act (VFCA) Annual Certificate for this past fiscal year 2011-2012. The deadline for filing the certificate was September 1, 2012, therefore, the certificate is considered to be late filed.

The Public Employees' Retirement Board (PERB) has decided that late or amended certificates, when filed properly, accompanied by a letter of explanation from the fire chief, and certified training documentation for the 30 or more hours of training, will be considered for acceptance. Beginning July 1, 2011, only late Annual Certificates that are filed within 3 years of the original Annual Certificate due date will be considered. The due dates of annual certificates are September 1 of each year for the previous fiscal year (ie FY2007-2008 was due September 1, 2008). An annual certificate may be amended only once.

The **certified** training information must be based on fiscal years (July 1st thru June 30th) and in an easily readable format. Training documentation must include the following:

- ❖ The date the training was offered;
- ❖ Title of the training;
- ❖ Description of the training;
- ❖ Hours of training;
- ❖ Each member's hours of training for each class.

Training does **not** include business meetings, emergency calls or vehicle or hall maintenance.

MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



STEVE BULLOCK
GOVERNOR

ROXANNE MINNEHAN
EXECUTIVE DIRECTOR

STATE OF MONTANA



HELENA (406) 444-3154
TOLL FREE (877) 275-7372
FAX (406) 444-5428

100 N PARK, STE 200
PO BOX 200131
HELENA MT 59620-0131
mpera.mt.gov

Also due September 1, 2012 was a roster of all your members for the current fiscal year 2011-2012, whether they received credit or not they need to be listed. This no longer needs to be certified with the County Clerk and a copy of the annual certificate is not longer accepted as the roster.

If you have questions, please call me at 406-444-9173 or toll free 1-877-275-7372 ext 9173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ali Sturm".

Ali Sturm
Accountant

MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



STEVE BULLOCK
GOVERNOR

ROXANNE MINNEHAN
EXECUTIVE DIRECTOR

STATE OF MONTANA

HELENA (406) 444-3154
TOLL FREE (877) 275-7372
FAX (406) 444-5428



100 N PARK, STE 200
PO BOX 200131
HELENA MT 59620-0131
mpera.mt.gov

March 11, 2013

Ralph Dotson, Fire Chief
Molt VFD
PO Box 68
Molt, MT 59057

Dear Fire Chief Dotson,

As stated in the original letter sent on December 10, 2012, you were given 90 days to contact MPERA about your fire department's missing fiscal year 2011 - 2012 VFCA Annual Certificate. This 90 day period has now expired. If you still choose to send in your late filed Annual Certificate and all other completed information, your information will no longer have precedence over information we have already received from other volunteer fire departments. Take note that your information will go to the bottom of the list for processing and also must be received within the 3 years of the filing date that is explained in the next paragraph. The deadline for filing the certificate was September 1, 2012, therefore, the certificate is considered to be late filed.

The Public Employees' Retirement Board (PERB) has decided that late or amended certificates, when filed properly, accompanied by a letter of explanation from the fire chief, and certified training documentation for the 30 or more hours of training, will be considered for acceptance. Beginning July 1, 2011, only late Annual Certificates that are filed within 3 years of the original Annual Certificate due date will be considered. The due dates of annual certificates are September 1 of each year for the previous fiscal year (ie FY2007-2008 was due September 1, 2008). An annual certificate may be amended only once.

The **certified** training information must be based on fiscal years (July 1st thru June 30th) and in an easily readable format. Training documentation must include the following:

- ❖ The date the training was offered;
- ❖ Title of the training;
- ❖ Description of the training;
- ❖ Hours of training;
- ❖ Each member's hours of training for each class.

Training does **not** include business meetings, emergency calls or vehicle or hall maintenance.

Also due September 1, 2012, was a roster of all your members for the current fiscal year 2011-2012, whether they received credit or not they need to be listed. This is no longer required to be certified with the County Clerk and a copy of the annual certificate is no longer accepted as the roster.

If you have questions, please call me at 406-444-9173 or toll free 1-877-275-7372 ext 9173.

Sincerely,

A handwritten signature in black ink, appearing to read "Ali Sturm", with a long horizontal flourish extending to the right.

Ali Sturm
Accountant

March, 19, 2013

RECEIVED

MAR 20 2013

RETIREMENT BOARD

Dear Diane,

Please let me start with a sincere apology for my tardiness and the information confusion of my response to the VFCA Annual Certificate. As the new Chief of the Molt Volunteer Fire Department, I take responsibility for the gaps that have accrued. I discovered in my role as Chief that some of our administrative systems were not as they should be. Some of our short comings were linked to the transfer of leadership from Ralph Dotson to myself this past year.

Per your request, below are the Molt Volunteer Firefighters that have successfully completed a minimum of 30 hour of required training in the 2011- 2012 calendar year:

- Matt Keating

- Ralph Dotson

Diane, please know that what we experienced with delay and lack of response has been dealt with from our end, with adjustments to our annual administrative calendar that will now trigger the completion of needed documentation prior to it becoming delinquent and overdue.

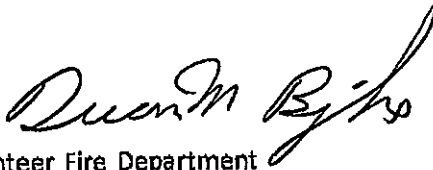
Diane, I will call you personally next week to verify that you've received the require information.

Thank you for your patients with this process and for understanding our delinquency. Please call on me for anything. I look forward to talking with you next week.

Sincerely,

Duane Bjerke

Chief, Molt Volunteer Fire Department



406-669-3106

MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



STEVE BULLOCK
GOVERNOR

ROXANNE MINNEHAN
EXECUTIVE DIRECTOR

STATE OF MONTANA



HELENA (406) 444-3154
TOLL FREE (877) 275-7372
FAX (406) 444-5428

100 N PARK, STE 200
PO BOX 200131
HELENA MT 59620-0131
mpera.mt.gov

April 1, 2013

Duane Bjerke, Fire Chief
Molt VFD
PO Box 68
Molt MT 59057

Dear Fire Chief Bjerke,

Montana Public Employees Retirement Administration (MPERA) has received your county annual certificate for fiscal year 2012. However, MPERA cannot accept this version of the annual certificate and will need you to complete and send in MPERA's VFCA Annual Certificate.

The Public Employees' Retirement Board (PERB) has decided that late or amended certificates, when filed properly, accompanied by a letter of explanation from the fire chief, and **certified training** documentation for the 30 or more hours of training, will be considered for acceptance. Beginning July 1, 2011, only late Annual Certificates that are filed within 3 years of the original Annual Certificate due date will be considered. The due dates of annual certificates are September 1 of each year for the previous fiscal year (ie FY2007-2008 was due September 1, 2008). An annual certificate may be amended only once.

The training information must be based on **fiscal years (July 1st thru June 30th)** and in an easily readable format. Training documentation must include the following:

- ❖ The date the training was offered;
- ❖ Title of the training;
- ❖ Description of the training;
- ❖ Hours of training;
- ❖ Each member's hours of training for each class.

Training does **not** include business meetings, emergency calls or vehicle or hall maintenance.

Please submit the necessary training documentation as stated above for the fiscal year 2012. Your members will be considered for approval upon receipt of the required documentation. Attached you will find a template to track your member's training. You will also find the an annual certificate for FY2012.

The late Annual Certificate and all documents must be received within 90 days of the letter date in order for your request to be considered.

If you have questions, please call me at 406-444-9173 or toll free 1-877-275-7372 ext 9173.

Sincerely,

Ali Sturm
Accountant

Enclosure

Molt VFD

Training records for FY2011-2012

Moit VFD																													
Training records for FY2011-2012																													
date	class	Aders, Steve	Balbach, Seth	Bjerke, Duane	Dempewolf, Jim	Doely, Steve	Dotson, Ralph	Frickie, Mark	Haugrud Jr, Roger	Hoagland, Dave	Hoagland, Sherry	Hultgren, Stene	Kealing, Matt	Lane, Calvin	Leuthold, Sue	Leuthold, Wes	Lillie, Scott	Lucas, Brian	Mielsted, Marty	Mullikan, Dennis	Olson, Scott	Schneldt, Dane	Schneldt, Kevin	Schneldt, Kyle	Smith, Greg	Stafford, Bryan	Urfer, Jerry	Urfer, Tim	VanderBrink, Ron
8-Jul	Pump/Hose lay		2.5																										
7-Oct	Structure Fire						4						4													4			
16-Oct	Wildland Class	5					5						5																
7-Dec	Extraction						4						4																
13-Jan	Drafting						3						3													3			
30-Jan	SCBA/PUMP						6						6														4		
13-Feb	Rt-130 Refresher						4						4																
28-Feb	Radio/Pump class						2						2																
21-May	SCBA/PUMP						4						4																
21-Jun	SCBA	4					4						4																

date	class	Aders, Steve	Barbach, Seth	Bjerke, Duane	Dempewolf, Jim	Dooley, Steve	Dotson, Ralph	Frickie, Mark	Haugrud Jr, Roger	Hoagland, Dave	Hoagland, Sherry	Hullgren, Steve	Keating, Matt	Lane, Calvin	Leuthold, Sue	Leuthold, Wes	Lille, Scott	Lucas, Brian	Mjelstad, Marty	Mulliken, Dennis	Olson, Scott	Schneidt, Dane	Schneidt, Kevin	Schneidt, Kyle	Smith, Greg	Stafford, Bryan	Urfer, Jerry	Urfer, Tim	VanderBrink, Ron
10/7/11	STRUCTURE FIRE																												
01/15/11	WILDLAND CLASS	5																											
02-7-11	EXTRICATION																												
1-13-12	DRIFTING																												
1-30-12	SCBA/PUMP																												
2-21-12	SCBA/PUMP																												
2-28-12	PUMP/HOSE LAY																												
2-15-12	KT-130 REPEATER																												
2-26-12	RAMBLER/PUMP CLASS																												
5-24-12	SCBA	4																											
TOTALS		5	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

DESCRIPTION
OPERATIONS AT HOUSE FIRES
WILDLAND - HOSE LAY'S
AUTO EXTRICATION
FILLING TRUCKS FROM OTHER
AIR PACK TRAINING + PUMP OPS
AIR PACK TRAINING + HOSE LAY OPS
WILDLAND PUMP + HOSE LAY
RADIO COMMS + PUMP TRAINING
SCBA TRAINING CLASS

RECEIVED
MAY 23 2013
RETIREMENT BOARD

Sturm, Ali

From: Mat K [moltfire8@yahoo.com]
Sent: Tuesday, April 01, 2014 11:55 AM
To: Sturm, Ali
Subject: Molt VFD Training Hours for 2011/2012

To whom it may concern,

I Mat Keating with the Molt Volunteer Fire Department acknowledge that the 2011/2012 Training hours are true and correct.

MATHEW KEATING
CO-CHIEF, MOLT FIRE DEPT.
CELL: (406)-839-1659
E-MAIL: moltfire8@yahoo.com